

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17001-17025

[Approved by the Secretary of Agriculture, Washington, D. C., October 31, 1930]

17001. Adulteration of walnut halves. U. S. v. 13 Cases of Walnut Halves. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24268. I. S. No. 021075. S. No. 2506.)

On November 20, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 cases of walnut halves, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by I. Rice & Co., from Engleside, Pa., on or before June 18, 1929, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 4, 1929, T. M. Duche & Sons, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be sorted so as to separate the good nuts from the bad and that the rejections from the sorting be destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17002. Adulteration and misbranding of tomato catsup. U. S. v. 19 Cases, et al., of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 24344, 24345. I. S. Nos. 025729, 025730. S. Nos. 2593, 2594.)

On December 16, 1929, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 cases of tomato catsup at Muskogee, Okla., alleging that the article had been shipped by the Rush Canning Co., from Bentonville, Ark., in part on or about October 21, 1929, and in part on or about November 7, 1929, and transported from the State of Arkansas into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Mid-Mountain Brand Tomato Catsup * * * Packed by Mid-Mountain Fruit Co. Bentonville, Ark."

It was alleged in the libel that the article was adulterated in that it consisted, in whole or in part, of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the designation on the label "Tomato Catsup," was false and misleading and deceived and misled the purchaser when applied to an artificially colored product.

On January 30, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*